THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P. NO.26758/1995

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Dt.17-3-2006

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1. Aemireddy Srinivasa Satyanarayana Reddy and another ..Petitioners

V.

1. Municipal Corporation of Vijayawada, represented by its Commissioner, Vijayawada and another

..Respondents.

THE HONOURABLE SRI JUSTICE A.GOPAL REDDY

W.P. NO.26758/1995

ORAL ORDER

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not allotting shop Nos.8 and 10 to the petitioners in the Govindarajulu Market Complex, Governorpet, Vijayawada as per notice dt. 22-9-1993 of the 2nd respondent as illegal and arbitrary and for a consequential direction to the respondents to allot said shops to the

petitioners.

It is stated that Municipal Corporation of Vijayawada had allotted shop Nos.4 and 6 in Govindarajulu Market Complex to the father of the first petitioner and 2nd petitioner long back and they have been carrying on business in vending vegetables and promptly paying rents at the rate of Rs.350/- per month. Since the said complex has become old, the second respondent issued notices for eviction of the father of the petitioner and the 2nd petitioner on 22-9-1993 intimating that as per resolution No.1245 dt. 6-9-1993 shops will be allotted to them after reconstruction. Pursuant to the same they vacated their respective shops. On completion of the new shopping complex in February,1995, when the petitioners are eagerly waiting for allotment, the respondents did not re-allot shop Nos.8 and 10 in the new Complex to the petitioners.

On filing the writ petition, this court by order dt. 28-11-1995 in WPMP No.32975/1995 directed the respondents to allot shop Nos.8 and 10 to the petitioners. For dis-obedience of the interim-direction by the respondents, the petitioner No.1 filed CC No. 689/1995, which was dismissed by this court by order dt. 6-8-1996 observing that the interim order granted by this court on certain assumption is found to be incorrect and the petitioner has not been able to satisfy the respondent-authorities in spite of request made by them to produce legal heir certificate and it cannot be said that the respondents willfully dis-obeyed the orders of this court.

Learned counsel for the petitioners as well as the learned Standing Counsel for the respondents now represents that the petitioners have been allotted shops, therefore the relief has become infructuous.

The writ petition is accordingly dismissed. It is needless to say that if the petitioners are not entitled for allotment and the allotment of shops is made pursuant to the interim order granted by this court, if any, the petitioners cannot have the benefit of interim order granted pending the writ petition, and the respondents are at liberty to take eviction of the petitioners, if they are not entitled for such allotment. No costs.

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A.GOPAL REDDY,J

Dt. 17-3-2006

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